

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28030 of 2021

Arising Out of PS. Case No.-172 Year-2020 Thana- BALIYA District- Begusarai

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HUSAIN KHALIFA Son of Jai Kishan Khalifa Resident of Village - Chhoti Ballia, Sati Chaura, P.S. - Ballia, District - Begusarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Pushpendra Kumar Singh, Advocate
For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur, APP.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-11-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in connection with Ballia P.S. Case No. 172 of 2020 registered for the offences punishable under Section 392 of the I.P.C.

According to prosecution case, four unknown criminals intercepted the informant and looted his mobile phone as well as motorcycle and fled away.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence and he has falsely been implicated in the present case. Petitioner is not



named in the FIR. The FIR was lodged against unknown person. Learned counsel further submits that as a matter of fact, petitioner was arrested by the police and booked in Ballia P.S. Case No. 175 of 2020 and subsequently, police dragged the petitioner in the present case also. Learned counsel further submits that petitioner has got one criminal antecedent in which he has been granted bail by this Hon'ble Court. Petitioner is in custody since 28.08.2020.

The learned Additional Public Prosecutor opposed the prayer of bail.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Begusarai in connection with Ballia P.S. Case No. 172 of 2020, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail



bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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